

## Message Text

LIMITED OFFICIAL USE

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16

ACTION L-02

INFO OCT-01 ARA-06 ISO-00 EB-07 COME-00 CIAE-00 INR-07

NSAE-00 TRSE-00 AID-05 OPIC-03 /031 W

----- 131017

R 032110Z MAR 75

FM AMEMBASSY PORT OF SPAIN

TO SECSTATE WASHDC 7469

LIMITED OFFICIAL USE PORT OF SPAIN 0503

E.O. 11652: N/A

TAGS: EINV, TD

SUBJ: CALVO CLAUSE AND RELATED PROVISIONS

REF: STATE 24007

1. ACCORDING TO ONE OF GOTT'S ACTING SENIOR STATE COUNSELS, THERE ARE NO PROVISIONS IN TRINIDAD CONSTITUTION OR LAWS WHICH PROHIBIT RIGHT OF FOREIGN INVESTORS TO SEEK HOME GOVERNMENT ASSISTANCE IN CASE OF INVESTMENT DISPUTES, OR WHICH PROVIDE FOR EXCLUSIVE JURISDICTION OF LOCAL COURTS OR LOCAL LAW OVER SUCH MATTERS. IN FACT, TRINIDAD LAW PERMITS ULTIMATE APPEAL (WITH PERMISSION OF GOTT COURT OF APPEALS) TO U.K. PRIVY COUNCIL.

2. AS MATTER OF POLICY, HOWEVER, SOURCE DOUBTED THAT GOTT WOULD APPROVE ANY NEW CONTRACT WITH A FOREIGN INVESTOR WHICH SPECIFICALLY PROVIDED FOR DIPLOMATIC RECOURSE TO HOME GOVERNMENT. ACCORDING TO SOURCE, MOST CURRENT CONTRACTS INCLUDE REFERENCE TO LOCAL ARBITRATION IN CASE OF DISPUTES; AT LEAST ONE CONTRACT PROVIDES FOR ARBITRATION BY THE INTERNATIONAL CHAMBER OF COMMERCE, WHILE OTHERS MAKE REFERENCE TO DISPUTE SETTLEMENT THROUGH ICSID.

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MILLER

LIMITED OFFICIAL USE

NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** INVESTMENT LAW, ARBITRATION, FOREIGN INVESTMENTS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 03 MAR 1975  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** GolinoFR  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1975PORTO00503  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Film Number:** D750074-0786  
**From:** PORT OF SPAIN  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1975/newtext/t19750388/aaaadbta.tel  
**Line Count:** 61  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ACTION L  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 2  
**Previous Channel Indicators:** n/a  
**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** 75 STATE 24007  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** GolinoFR  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 11 SEP 2003  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <11 SEP 2003 by RowellE0>; APPROVED <03 NOV 2003 by GolinoFR>  
**Review Markings:**

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Declassified/Released  
US Department of State  
EO Systematic Review  
05 JUL 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** CALVO CLAUSE AND RELATED PROVISIONS  
**TAGS:** EINV, TD  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006